



**JOINT MEETING OF THE  
NYE COUNTY BOARD OF COMMISSIONERS  
NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS  
NYE COUNTY LICENSING AND LIQUOR BOARD  
NYE COUNTY BOARD OF HEALTH**

**AS THE GOVERNING BODY OF THE UNINCORPORATED TOWN OF PAHRUMP  
AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY GABBS MANHATTAN  
AND AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT**

**2100 E. Walt Williams Drive, Pahrump, NV 89048**

**May 16, 2023**

**10:00 a.m.**

**Subject to technical difficulties, people may participate by calling 1-888-585-9008 and entering conference room number 255-432-824. Technical difficulties may occur before or during the meeting preventing your ability to call in.**

**The Chair of the Board of County Commissioners will open public comment periods by announcement. Commenters must press \*9 on their telephone keypads to notify Administration they wish to speak.**

**The meeting is also viewable at [www.nyecountynv.gov](http://www.nyecountynv.gov). There is a 30 to 40 second delay between the in-person meeting and the meeting video.**

**NOTE:** All items are approximate except for bid openings, public hearings, and any other items agendaized at a specific time. Items on the agenda without a time designation may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. **NOTICE: It is anticipated that the items of business before the Board of Commissioners on May 16, 2023 will be fully completed on that date. However, should item(s) not be completed, it is possible item(s) could be carried over and be heard before the Board of Commissioners beginning at 8:30 a.m. on the next day.**

**Public Comment** during the Commission Meeting on May 16, 2023 will be for all matters off the agenda, and be limited to up to three minutes per person. Additionally, public comment of up to three minutes per person may be heard during individual action items. The Commission reserves the right to reduce the time allowed for public comment. The Commission may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the Commission, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. **Decorum** during the meeting must be upheld pursuant to the BOCC Rules of Procedure sections 7.5.3 and 7.5.4 whereby no person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting. Any person who becomes disruptive or interferes with the orderly business of the Board may be removed from the Board Chambers or other meeting room for the remainder of the meeting.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Tonopah Convention Center, 301 Brougher Avenue, Tonopah, NV; U.S. Post Office, 201 Erie Main St., Tonopah, NV; Commissioners' Meeting Room, 101 Radar Road, Tonopah, NV; District Court, 101 Radar Road, Tonopah, NV; Commissioners' Chambers, 2100 E. Walt Williams Drive, Pahrump, NV

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](https://www.usda.gov/program-discrimination-complaint) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

# NYE COUNTY BOARD OF COMMISSIONERS AGENDA

ITEM # SUBJECT

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Additional Posting Locations: Amargosa Valley Community Center, 821 E. Amargosa Farm Rd., Amargosa Valley, NV; Beatty Community Center, 100 South A Ave., Beatty, NV; Gabbs Town Hall, 503 Brucite St., Gabbs, NV; Round Mountain Community Center, 650 Civic Dr., Round Mountain, NV

Support documentation for the items on the agenda, provided to the Nye County Board of Commissioners is available to members of the public at the County Manager's Office (101 Radar Road, Tonopah, Nevada & 2100 E. Walt Williams Drive, Pahrump, Nevada) and on the County's website, or by calling Administration at (775) 482-8192

**WEBSITE:** [www.nyecountynv.gov](http://www.nyecountynv.gov)

Special Note: Any member of the public who is disabled and requires accommodation or assistance at this meeting is requested to notify the Nye County Manager's Office in writing or call 775-482-8192 prior to the meeting.

1. **Pledge of Allegiance**
2. **GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (FIRST).**
3. **Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)**
4. **Approval of the Agenda for May 16, 2023 (Non-action item)**
5. **For Possible Action – Emergency Items**

## SITTING AS THE BOARD OF COUNTY COMMISSIONERS

### TIMED ITEMS

6. **10:00 a.m. – [For Possible Action](#) – Discussion and deliberation regarding the monthly statement of county treasurer pursuant to NRS 354.280 including receipts, balances in funds, money on deposit, outstanding checks, and cash on hand.**
7. **10:00 a.m. – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, or amend and adopt the Final Budget for Fiscal Year 2023-2024 for Nye County.**
8. **10:00 a.m. – [For Possible Action](#) – **Public Hearing**, discussion and deliberation on ZCMP-23-4: An application for a Zone Change to change a 1.82-acre portion of a 10.43-acre parcel from Specific Plan (SP) to Neighborhood Commercial (NC) for property located at 4779 E. Mountain Falls Parkway, Pahrump, NV. Assessor's Parcel Number 045-021-74. Mountain Falls, LLC - Property Owner; Taney Engineering - Applicant/Agent.**
9. **10:00 a.m. – [For Possible Action](#) – **Hearing to Show Cause**, discussion and deliberation to determine if there is sufficient cause to revoke Special Use Permits SU-2021-000072 and ETSU-21-82 and Cannabis Licenses CBL-21-147, CBL-21-148, CBL-21-149, and CBL-21-150; located at 2215 E. Anvil Road, Amargosa Valley, NV. Assessor's Parcel Number 019-181-02. Farm Road, LLC – Property Owner. MJ Distributing, LLC – Licensee.**
10. **10:00 a.m. – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to issue an Outdoor Festival License to Kelli Sater for the Pahrump 4th of July Redneck Pool and BBQ to be held July 4, 2023, at Petrack Park located at 150 N. Highway 160, Pahrump, NV.**
11. **10:00 a.m. – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to issue an Outdoor Festival License to Kelli Sater for the Pahrump Balloon Festival to be held April 12-14, 2024, at Petrack Park located at 150 N. Highway 160, Pahrump, NV.**

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12. **10:00 a.m.** – [Presentation](#) by Misha Allen and Hayley Maio Extension Educators regarding the Fiscal Year 2022-2023 Third Quarter Report for University of Nevada, Reno (UNR) Extension in Nye County. (10-minute time limit)
13. **10:00 a.m.** – [For Possible Action](#) – Presentation by Sharen Black with the Cotillion For Success Program, regarding program status, outcome results, a budget status report and future goals pursuant to the Nye County COVID Relief Program and Policy: Public Assistance. (10-minute time limit)

### **SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP**

14. **10:00 a.m.** – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, or amend and adopt the Final Budget for Fiscal Year 2023-2024 for Town of Pahrump.
15. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject the Fiscal Year 2023 Public Safety Sales and Use Tax (PSST) plan for the Town of Pahrump.
16. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Pahrump Arena Advisory Committee from the following list of applicants: Kamaljit Singh Mann, Loyce Seastrunk, and Robert Tibbits; and/or 2) Direct staff to re-advertise for the appointment.
17. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint two members to the Pahrump Off Highway Vehicle Park Advisory Committee from the following list of applicants: Charles William Ballew Jr., Ryan Williams; and/or 2) Direct staff to re-advertise for the appointment.
18. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint one member to the Pahrump Veterans Memorial Advisory Committee from the following list of applicants: Gerard N. Dumont; and/or 2) Direct staff to re-advertise for the appointment.
19. [For Possible Action](#) – Discussion and deliberation to: 1) Appoint two members to the Pahrump Nuclear Waste & Environmental Advisory Committee from the following list of applicants: Cheryl Varkalis, Dina Williamson-Erdag; and/or 2) Direct staff to re-advertise for the appointment.
20. [For Possible Action](#) – Discussion and deliberation to: 1) Approve, amend and approve, or reject an Agency Agreement with BTMC LLC., dba Brain Trust Marketing & Communications in the amount of \$72,000.00 for the purpose of providing public relations, event marketing, media planning and buying, creative design services, brand development and positioning strategy through December 31, 2023; 2) Execute the agreement; and 3) Fund from 25222 Pahrump 3/5 Tourism.

### **SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF BEATTY, GABBS, MANHATTAN, AND RAILROAD VALLEY**

#### **BEATTY**

21. **10:00 a.m.** – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, or amend and adopt the Final Budget for Fiscal Year 2023-2024 for Town of Beatty.
22. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject the updated Fiscal Year 2023 Public Safety Sales and Use Tax (PSST) plan for the Town of Beatty.

#### **GABBS**

23. **10:00 a.m.** – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, or amend and adopt the Final Budget for Fiscal Year 2023-2024 for Town of Gabbs.

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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24. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject the updated Fiscal Year 2023 Public Safety Sales and Use Tax (PSST) plan for the Town of Gabbs.

### MANHATTAN

25. **10:00 a.m.** – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, or amend and adopt the Final Budget for Fiscal Year 2023-2024 for Town of Manhattan.
26. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject the updated Fiscal Year 2023 Public Safety Sales and Use Tax (PSST) plan for the Town of Manhattan.

### AS THE BOARD OF TRUSTEES FOR THE PAHRUMP POOL DISTRICT

27. **10:00 a.m.** – [For Possible Action](#) – **Public Hearing**, discussion and deliberation to adopt, or amend and adopt the Final Budget for Fiscal Year 2023-2024 for Town of Pahrump Pool District.

### SITTING AS THE BOARD OF COUNTY COMMISSIONERS

**CONSENT AGENDA ITEMS – These are items that Staff recommends for approval. The Board reserves the right to move any consent agenda item to the regular segment of the agenda should issues arise that need to be addressed. Discussion of any item from the Consent Agenda Items that needs review before a decision is made.**

28. [For Possible Action](#) – Approval of the Elected Official Collection Report regarding fees collected from elected county departments for services rendered by or provided to county citizens.
29. [For Possible Action](#) – Approval of the meeting minutes from the joint meeting on February 22, 2023.

### BOARD OF COMMISSIONERS

30. [For Possible Action](#) – Discussion and deliberation to reschedule the date for the second Board of Commissioners meeting in June for Tuesday, June 27, 2023, in Pahrump, NV.

### DISTRICT ATTORNEY

31. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Bill No. 2023-08: A Bill proposing to amend Nye County Code Chapter 9.25, Titled Offender Registration; Monitoring and Verification Fees, Section 9.25.040, titled Definitions, by deleting references to recurring fees; Providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.
32. [For Possible Action](#) – Discussion and deliberation to ratify Exhibit K – Subdivision and Special District Settlement Participation Form (Allergen Settlement) and Exhibit A – Subdivision Participation and Release Form (CVS -Nevada Settlement) as signed by the Nye County Manager on May 5, 2023 in regard to the Multidistrict Opioid Litigation.

### SHERIFF

33. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject the updated Fiscal Year 2023 Public Safety Sales and Use Tax (PSST) plan for Nye County.

**NYE COUNTY BOARD OF COMMISSIONERS AGENDA**

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34. [For Possible Action](#) – Discussion and deliberation to issue a Display Fireworks Event Permit to the Town of Tonopah for an Aerial display at their annual 4th of July Event on Tuesday, July 4, 2023. This event is being held at the Joe Friel Sports Complex in Tonopah, NV. Jennifer Mills is the Applicant.

**COUNTY MANAGER**

35. [Update](#) on the 2023 Nevada Legislative Session including Nye County priorities, impacts to counties and actions that counties are required to take pursuant to new legislation.

**FINANCE**

36. [For Possible Action](#) – Presentation, discussion and deliberation to approve, amend and approve, or reject the program funding request from Living Free Health & Fitness under the Nye County ARPA Recovery Plan and Policy: Public Health Assistance Mental Health Initiatives in the amount of \$131,655.00. (10-minute time limit)

**PLANNING/BUILDING/CODE COMPLIANCE**

37. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing, on Nye County Bill No. 2023-04: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump Regional Planning District, Article III, titled Zoning Districts; Establishment and General Provisions, Section 17.04.430, titled LI Light Industrial, removing renewable energy generating facility as a permissive use; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.
38. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2023-05: A Bill proposing to amend Nye County Code Title 5, titled Business Licenses and Regulations, Chapter 5.32 titled “Cannabis Establishments,” by amending Section 5.32.005 Definitions to include Affiliated Businesses and by amending Section 5.32.050 titled “Medical Cannabis Establishment License Fees,” Section 5.32.055 titled “Adult-use Cannabis Establishment License Fees,” and Section 5.32.057 titled “Cannabis Consumption Lounge Establishment License Fees,” by adding the language pertaining to sales and transfers between affiliated and unaffiliated cannabis businesses; and providing for the severability, constitutionality, and effective date thereof; and other matters property relating thereto; and 2) Read the title of the Bill into the record.
39. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2023-06: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.06 titled “Cannabis Establishments; Zoning Requirements,” by adding definitions for “Town” and “Town Board” and amending Section 17.06.040 titled Requirement to Obtain a Special Use Permit, to include a requirement to obtain a written letter in support of, or in opposition to, a proposed cannabis establishment by the elected or advisory Town Board prior to submittal of a Special Use Permit application; and providing for the severability, constitutionality, and effective date thereof; and other matters property relating thereto; and 2) Read the title of the Bill into the record.
40. [For Possible Action](#) – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2023-07: A Bill proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump

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Regional Planning District, Section 17.04.260, titled MF Multifamily Residential, allowing for the provision of single-family detached residences in the MF zone; and providing for the severability, constitutionality, and effective date thereof; and other matters property relating thereto; and 2) Read the title of the Bill into the record.

41. [For Possible Action](#) – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2023-15: A Resolution to Continue with a Temporary Moratorium on Renewable Energy Generation Facilities.

## PUBLIC WORKS

42. [For Possible Action](#) – Discussion and deliberation to approve the proposed Fiscal Year 2023-2024 Regional Transportation Commission (RTC) budgets.
43. [For Possible Action](#) – Discussion and deliberation to: 1) Discuss the bid proposals received for Bid No. 2023-06 Basin Phase 4 - Concrete Improvements; 2) Award Bid 2023-06 Basin Phase 4 - Concrete Improvements to CG&B Enterprises, Inc. in the amount of \$134,265.00, Mikon Construction Co., Inc. in the amount of \$180,218.00, or Performance Concrete, LLC. in the amount of \$134,155.00; 3) Approve, amend and approve or reject the contract with selected bidder; 4) Fund from 10205 Roads; or 5) Reject bids and provide direction to staff on how to proceed with the project.
44. [For Possible Action](#) – Discussion and deliberation to: 1) Discuss the bid proposals received for Bid No. 2023-12 Beatty Airport Automated Weather Observation System; 2) Award Bid 2023-12 Beatty Airport Automated Weather Observation System to American Southwest Electric in the amount of \$407,837.46, or to Mesquite Electric, LLC. in the amount of \$368,000.00; 3) Approve, amend and approve or reject the contract with the selected bidder, contingent upon receiving the grant award from the Federal Aviation Administration (FAA) for this project; 4) Fund \$345,000.00 to 10340 grants and \$23,000.00 to 10209 Airport; or 5) Reject bids and provide direction to staff on how to proceed with the project.
45. [For Possible Action](#) – Discussion and deliberation to: 1) Discuss the bid proposals received for Bid No. 2023-14 Tonopah Runway 15-33 Rehab; 2) Award Bid 2023-14 Tonopah Runway 15-33 Rehab to American Road Maintenance in the amount of \$358,725.00, C.R. Contracting, LLC in the amount of \$340,635.00, Maxwell Asphalt, Inc in the amount of \$521,505.00, or to Straight Stripe Painting, Inc. in the amount of \$526,136.00; 3) Approve, amend and approve or reject the contract with selected bidder, contingent upon receiving the grant award from the Federal Aviation Administration (FAA) for this project; 4) Fund \$319,345.00 to 10340 Grants and \$21,290.00 to 10209 Airport; or 5) Reject bids and provide direction to staff on how to proceed with the project.

## PUBLIC PETITIONER

46. [For Possible Action](#) – Discussion and deliberation to approve a waiver of Nye County Code 8.04.030(C) that would allow Pahrump Valley High School to conduct a 30 second 1.4 (consumer grade) fireworks show at the end of the graduation commencement ceremony on the football field of the High School on May 26, 2023.

**GENERAL PUBLIC COMMENT (up to three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item (SECOND).**

## NYE COUNTY BOARD OF COMMISSIONERS AGENDA

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May 16, 2023

47. Commissioners'/Manager's Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas)

48. ADJOURN

**Nye County Board of County Commissioners Meeting Participation Information:**

- Call **1-888-585-9008** and enter conference room code **255-432-824**.
- Public comment periods will be opened by announcement.
- Commenters must press \*9 if they wish to speak. You will hear “the organizer sees your raised hand” when the control has been properly engaged.
- When it is your turn to give comment, you will hear “you may now speak” and must identify yourself by saying and spelling your first and last name.

**Notes:**

- The meeting is viewable at [http://nyecounty.granicus.com/ViewPublisher.php?view\\_id=4](http://nyecounty.granicus.com/ViewPublisher.php?view_id=4) there will be a 40 second delay from the video to the call.
- Report issues to Nye County Admin at [nyeadmin@co.nye.nv.us](mailto:nyeadmin@co.nye.nv.us) or by calling 775-482-8192